MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

UCL1612 - CONSTITUTIONAL LAW I

(All Sections / Groups)

24 OCTOBER 2019
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue :
   i. Federal Constitution
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

COMPULSORY QUESTION

QUESTION 1

Mat Samad and his colleagues from Jujur Party are members of the coalition that forms the government. Recently, the Prime Minister, Harun, announced that the National Car Policy should continue since in his opinion, the local car manufacturers are not able to remain competitive without such a policy to protect their interests.

Mat Samad and some of his colleagues are strongly against the policy and are of the opinion that the policy should be reviewed as the policy brings no benefit to the country even after 8 years of its implementation. Nevertheless, Mat Samad who is also the Minister of Transport only raised his concerns behind closed doors, especially during the Cabinet meetings with the Prime Minister.

Alex who is a Deputy Minister in the Finance Ministry spoke to a daily newspaper on his concerns over the government's stand. Similar sentiments were echoed by Rama who is a Minister in the Prime Minister's Department, and he openly criticized the government's stand on the policy during a public forum.

A newspaper also reported that the Minister of Defence, Pipi, received kickbacks from various parties amounting to approximately RM5,000,000.

The Prime Minister is not happy with the way these members of his executive are behaving and is now seeking your advice on this.

Advise Harun based on the doctrine of collective and individual ministerial responsibility.

(Total: 25 marks)

ANSWER ANY THREE OUT OF THE FOLLOWING FOUR QUESTIONS.

QUESTION 2

'Our Federal Constitution rests upon a separation of powers. It also rests upon mutual recognition of those powers. It is for Parliament to make new laws and to amend old laws. It is for the courts to interpret and enforce the law. It is for the executive to govern within the law. Each in its own sphere is supreme'.

Discuss the accuracy of the above statement with reference to Malaysia.

(Total: 25 marks)

Continued...

QUESTION 3

Critically evaluate the effectiveness of the various procedures and mechanisms available in the *Dewan Rakyat* for scrutinising the executive.

Are reforms necessary? Support your answer with the relevant arguments.

(Total: 25 marks)

QUESTION 4

"The doctrine of Parliamentary Supremacy has no application in Malaysia. Here our Constitution is supreme".

Suffian L.P. in Ah Thian v. Government of Malaysia (1976) 2MLJ112

Discuss the validity and applicability of this statement with reference to constitutional provisions, case laws and practice.

(Total: 25 marks)

QUESTION 5

"The best Constitution drafted by the best lawyers in the world - that alone can never secure the independence of the Judiciary if the people at the top who control Parliament and the Government do not want an independent judiciary".

Tun Mohamed Suffian, "Safeguards for the Judiciary - Malaysia", [1979] 1 M.L.J. xcv at xcviii-xcix

Discuss the accuracy of the above statement with reference to the Malaysian Judiciary.

(Total: 25 marks)

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